

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 10-42134

SHANELL CANDACE SMITH, *pro se*,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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ORDER DISMISSING CASE

On January 27, 2010, Debtor filed a voluntary petition for relief under Chapter 7, and a “Certificate of Counseling” (Docket # 5), which states that on *April 15, 2009*, Debtor received “an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.”

Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That section provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

Debtor did not receive credit counseling *during the 180-day period preceding the date of the filing of her petition*. Debtor received credit counseling some 300 days before her petition was filed. Accordingly,

IT IS ORDERED that this case is DISMISSED.

Signed on January 29, 2010

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge